

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JTH TAX LLC, d/b/a LIBERTY TAX SERVICE and
SIEMPRETAX+LLC,

Plaintiffs,

v.

MICHAEL CYBULSKI, MC TAX LLC, EMPIRE
TAX SERVICES, INC. and NAYELI CORIA,

Defendants.

Case No.: 1:21-cv-04716

PRELIMINARY INJUNCTION ORDER

THIS MATTER having come before the Court by Plaintiff JTH Tax LLC d/b/a Liberty Tax Service (“Liberty”) for a Motion for a Preliminary Injunction with notice to Defendants Michael Cybulski, MC Tax LLC (“MC”) and Empire Tax Services, Inc. (“Empire”) (collectively, “Defendants”) via ECF, and it appearing based upon the papers submitted in support of this motion, arguments made at the hearings for this motion and for Liberty’s motion for a temporary restraining order, all pleadings, affidavits and other documents filed in this matter that Liberty meets the elements necessary for the issuance of preliminary injunctive relief (without any admission of wrongdoing by Defendants);

IT IS on this 18th day of May, 2022,

ORDERED that a preliminary injunction be and is hereby entered against Michael Cybulski and all those acting in concert with him, including but not limited to Empire and MC, which Order shall remain in force and effect throughout the pendency of this action as set forth below, Cybulski (and all those acting in concert with him) is hereby:

A. Enjoined until May 25, 2023 from directly or indirectly offering or

transmitting for a fee, charge or payment of any kind, tax preparation services within twenty-five (25) miles of the boundaries of Defendants' former Liberty franchise territories (under no circumstance will the period of non-competition terminate before May 25, 2023);

- B. Ordered to refrain from using Liberty's Confidential Information and Trade Secrets as defined in the Amended Complaint, including Liberty's confidential Operations Manual; and
- C. Ordered to return Liberty's Confidential Information and Trade Secrets as defined in the Amended Complaint that are or may be in his possession or control.

IT IS FURTHER ORDERED that the injunctive relief in this Order shall expire on May 25, 2023, unless the parties agree to extend the relief set forth in this Order beyond May 25, 2023.

IT IS FURTHER ORDERED that, if this action persists beyond May 25, 2023, the parties are directed to meet and confer as to whether the relief set forth in this order should be extended beyond May 25, 2023.

SO ORDERED.


HON. LORETTA A. PRESKA